

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed May 29, 2008. Claims 1-5 and 7-13 were pending in the present application. This Amendment amends claims 1, 5, 7, 10, and 13, without adding or canceling any claims, leaving pending in the application claims 1-5 and 7-13. Reconsideration of the rejected claims and consideration of the newly presented claim is respectfully requested.

**I. Rejection under 35 U.S.C. §103**

Claims 1-5 and 7-13 are rejected under 35 U.S.C. §103(a) as being obvious over *Martinez* (US 5,208,446) in view of *Bloom* (US 6,974,928). Applicants respectfully submit that these references do not teach or suggest each element of these claims.

For example, Applicants' claim 1 as amended recites a method of delivering at least one item or service from a provider to a receiver, the method comprising:

receiving an order for at least one item or service available from the provider, the order identifying a receiver to which to deliver the at least one item or service;

determining whether a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver, and if so providing a unique order identifier in response to receiving the order;

obtaining the unique order identifier from the receiver at substantially a time of delivery;

providing information regarding the unique order identifier obtained at the time of delivery to the financial processor;

in response to the information regarding the unique order identifier being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider; and

in response to payment being provided to the provider, delivering the at least one item or service to the receiver

(*emphasis added*). Such limitations are not disclosed by the combination of *Martinez* and *Bloom*.

For example, as discussed previously of record *Martinez* discloses an apparatus allowing credit card information to be accepted, verified, and processed contemporaneously with the delivery of goods (col. 1, lines 6-35). The apparatus accepts credit information for the recipient and transmits the credit information for approval (col. 2, lines 13-58). This requires the recipient

to have credit card information, such as a credit or bank guarantee card (col. 1, lines 3543). Further, the approach of *Martinez* requires the recipient to provide this credit card information to the delivery person, which some customers might be reluctant to do for reasons such as security and prevention of identity theft.

*Bloom*, on the other hand, is directed to efficient bulk package delivery to an automated article storage and retrieval system at a centralized article pickup location (col. 1, lines 8-12; col. 2, lines 25-64). Items can be sorted by a "destination centralized pickup location" or a "destination local distribution hub" into a bulk package, which can have an identifier assigned thereto for tracking the bulk package and matching the bulk package with a storage locker bin for receiving the bulk package (col. 2, lines 50-64; col. 3, lines 8-19). Loading of the bulk delivered package into the "automated system of storage locker bins can include automatically triggering the dispatch of an electronic notification to the recipient "(col. 3, line 62-col. 4, line 3). Thus, as soon as the bulk package is assigned to a bin, the recipient is notified by "a facsimile, an email, a telephone call," etc. Triggering the notification also can include recording information "necessary for billing at least one of the retailer shipping the items the ordered items of the bulk delivered package, a customer who ordered the item of the bulk delivered package, and the recipient of the bulk delivered package", the information including "at least one of an order identifier, a recipient identifier or a customer identifier, a package identifier, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time, or any combination thereof (col. 4, lines 4-15). The retrieval can involve retrieving the bulk delivered package by the recipient through self-service (col. 4, lines 18-20). If the items are delivered to the recipient, they are subsequently sorted by information such as zip code (col. 8, lines 51-56).

The identifier information of *Bloom* is thus used for tracking purposes, is not a unique identifier issued in response to determining whether a financial processor is authorized to provide payment for at least one item or service to the provider on behalf of the receiver, and is not presented from a recipient to approve delivery. *Bloom* does not teach or discuss generating a unique identifier based upon such a decision for a financial processor, or basing delivery of an

item for an order to the recipient based on receiving the unique identifier corresponding to the order from the recipient at substantially the time of delivery. *Bloom* uses identifier information internally only for tracking purposes, and does not require that the recipient even be aware of the identifier information. As discussed, if the package is placed on a truck for delivery it is sorted by zip code and the identifier information is not used from that point forward. Further, there is no teaching or suggestion that a recipient wishing to pick up a package must present the identifier information.

Combining the approaches of *Martinez* and *Bloom*, even if there were motivation to do so, thus would not render Applicants' claims obvious. As discussed, *Martinez* is directed to obtaining credit card information from a recipient at the time of delivery. *Bloom* is directed to shipping and tracking packages in bulk, and can user information such as an order number to track shipments and notify a recipient or merchant when an item is ready to be picked up or delivered.

Even if there were motivation to combine these references, however, the resulting combination still would require that a recipient present credit information at the time of delivery in order to receive the item. The combination would not teach or suggest "receiving an order for at least one item or service available from the provider, the order identifying a receiver to which to deliver the at least one item or service", and "determining whether a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver, and if so providing a unique order identifier in response to receiving the order", such that a receiver can simply present the unique identifier for the order to obtain delivery as recited in Applicants' claim 1 as amended. The combination thus does not arrive at the limitations of Applicants' claim 1, and does not provide the privacy advantage of Applicants' claim 1. Further, there is no motivation in either reference to do so. As such, the combination cannot render obvious Applicants' claim 1 or the claims that depend therefrom. The other claims recite limitations that similarly are neither taught nor discussed by these references, individually or in combination, such that these claims also cannot be rendered obvious. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

Appl. No. 09/910,462  
Amdt. dated September 22, 2008  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 3696

PATENT

**II. Amendment to the Claims**

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
JDL:slh  
61481063 v1